Ohio, a man of uncommon acumen and force, and it was also adopted in the Senate, Fessenden and Stunner leading, by all the Republicans excepting the very few who sided with the President. But the accepted theory had sometimes to suffer whimsical treatment as to the logic of its application when practical exigencies seemed to demand its being temporarily overlooked. For instance, it happened occasionally that the war was held to be over in certain respects, but to be not over in others, and those States were consequently not good enough States to govern themselves and to be represented, but good enough to be counted in the ratification of an amendment to the National Constitution. Neither did the theory cover the nature of the conditions to be imposed upon late rebel States previous to their full restoration. The question, for instance, whether the extension of the suffrage to the negro race should be one of those conditions, as Sumner upon all occasions strenuously insisted, remained open for future decision.

To meet the dangers which so far had become visible on the horizon, the Joint Committee on Reconstruction devised the Fourteenth Amendment to the Constitution, which was long and laboriously debated in both Houses. In the form in which it was finally adopted it declared (1) that all persons born or naturalized in the United States are citizens of the United States and of the States in which they reside, and that no State shall make or enforce any law abridging

the privileges or immunities of citizens, nor deprive any person of life, liberty or property without due process of law, nor deny to any person the equal protection of the laws; (2) that if in any State the right to vote at any election for the choice of National or State officers is denied to any male citizen, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation in Congress or the electoral college